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The Sneaky Chef, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MISSY CHASE LAPINE, and THE SNEAKY	:	ECF CASE
CHEF, Inc.,	:	
	:	Civil Action No.: 08-CV-00128 (LTS)
Plaintiffs,	:	
	:	
v.	:	
	:	<b>OBJECTION TO EVIDENCE</b>
JESSICA SEINFELD, JERRY SEINFELD,	:	
HARPERCOLLINS PUBLISHERS, INC., and	:	
DEPARTURE PRODUCTIONS, LLC,	:	
	:	
Defendants.	:	
	:	
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Plaintiffs Missy Chase Lapine and The Sneaky Chef, Inc. hereby object to the following evidence presented by Defendants in connection with their converted motions for summary judgment.

**OBJECTIONS TO EVIDENCE OFFERED IN SUPPORT OF JERRY  
SEINFELD'S CONVERTED MOTION FOR SUMMARY JUDGMENT**

1. Objection is made to the following page and line designations of Exhibit E  
(The Printed transcript of Jerry Seinfeld's October 29, 2007 appearance on the *Late Show with David Letterman*):
  - (a) Pg 8, ln 1-4: ("She is very do-gooder, socially-conscious, very honest-type person. Her whole family is like this. They do social work and they – they get involved with non-profit organizations.")
  - (b) Pg 8, ln 13-32: (Beginning with "So – now my wife likes to cook...", and ending with "It does well: seemingly an innocent sequence of events.")
  - (c) Pg 9, ln 14-18 ("Seinfeld:...And my wife never saw the book, read the book; used the book. But the books—...Didn't know anything about it.").This evidence is objected to on the ground that it is inadmissible hearsay.  
(FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290 (2d Cir. N.Y. 2008)).
2. Objection is made to the following designations of the Exhibit D (The audio/visual recording of Jerry Seinfeld's October 29, 2007 appearance on the *Late Show with David Letterman*):  
  
Statements that correspond with the following page and line designations from

Exhibit E (The transcript of the *Late Show with David Letterman*).

(a) Pg 8, ln 1-4: (“She is very do-gooder, socially-conscious, very honest-type person. Her whole family is like this. They do social work and they – they get involved with non-profit organizations.”)

(b) Pg 8, ln 13-32: (Beginning with “So – now my wife likes to cook...”, and ending with “It does well: seemingly an innocent sequence of events.”)

(c) Pg 9, ln 14-18 (“Seinfeld:...And my wife never saw the book, read the book; used the book. But the books—...Didn’t know anything about it.”). This evidence is objected to on the ground that it is inadmissible hearsay. (FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290 (2d Cir. N.Y. 2008)).

3. Objection is made to the following page and line designations of Exhibit G (The Printed transcript of Jerry Seinfeld’s October 29, 2007 appearance on *E! News Live*.): Pg 5, ln 8 – 15:

(“Lyons: Your wife has done such great philanthropy work over the years...  
Seinfeld: Mm-hmm.

Lyons: ...especially with children.

Seinfeld: Mm-hmm.”)

This evidence is objected to on the ground that it is inadmissible hearsay.

(FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290 (2d Cir. N.Y. 2008)).

4. Objection is made to the following designation of Exhibit G (The audio/visual recording of Jerry Seinfeld's October 29, 2007 appearance on *E! News Live*): Statements that correspond with the following page and line designations from Exhibit F (The transcript of *E! News Live*).

Pg 5, ln 8 – 15.

("Lyons: Your wife has done such great philanthropy work over the years...

Seinfeld: Mm-hmm.

Lyons: ...especially with children.

Seinfeld: Mm-hmm.")

This evidence is objected to on the ground that it is inadmissible hearsay.

(FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290

(2d Cir. N.Y. 2008))

5. Objection is made to Exhibit K (The Wall Street Journal Online, "How Another Seinfeld Scored Her Own Big Hit").

This evidence is objected to on the ground that it is inadmissible hearsay.

(FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290

(2d Cir. N.Y. 2008)).

6. Objection is made to Exhibit L (TV.com synopsis of *Seinfeld* Episode 112, *The Postponement*).

This evidence is objected to on the ground that it is inadmissible hearsay.

(FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290

(2d Cir. N.Y. 2008); *Loussier v. Universal Music Group, Inc.*, 2005 U.S. Dist.

LEXIS 37545, 11-12 (S.D.N.Y. July 14, 2005); *Novak v. Tucows, Inc.*, 2007 U.S. Dist. LEXIS 21269, 15-16 (E.D.N.Y. Mar. 26, 2007)).

7. Objection is made to Exhibit M (TV.com synopsis of *Seinfeld* Episode 113, *The Maestro*).

This evidence is objected to on the ground that it is inadmissible hearsay.

(FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290 (2d Cir. N.Y. 2008); *Loussier v. Universal Music Group, Inc.*, 2005 U.S. Dist. LEXIS 37545, 11-12 (S.D.N.Y. July 14, 2005); *Novak v. Tucows, Inc.*, 2007 U.S. Dist. LEXIS 21269, 15-16 (E.D.N.Y. Mar. 26, 2007)).

8. Objection is made to Exhibit N (A.O. Scott, Movie Review, *A Drone No More: No Hive For Him!*, New York Times, Nov. 2, 2007).

This evidence is objected to on the ground that it is inadmissible hearsay.

(FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290 (2d Cir. N.Y. 2008)).

**OBJECTIONS TO EVIDENCE OFFERED IN SUPPORT OF JESSICA  
SEINFELD'S CONVERTED MOTION FOR SUMMARY JUDGMENT**

9. Objection is made to Exhibit EE (The Wall Street Journal Online, "How Another Seinfeld Scored Her Own Big Hit").

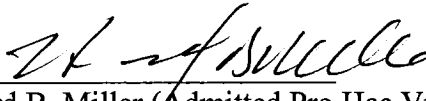
This evidence is objected to on the ground that it is inadmissible hearsay.

(FRE 802; *Major League Baseball Props., Inc. v. Salvino, Inc.*, 542 F.3d 290 (2d Cir. N.Y. 2008)).

Plaintiffs will respectfully request the court at the hearing on the motion to sustain the above objections and to strike the evidence referred to above.

DATED: October 27, 2008

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